

Remarks

Claims 1-23 are currently pending. Claims 1-13 and 15-23 stand rejected and claim 14 is objected to as being dependent upon a rejected base claims but allowable if rewritten in independent form. Applicant herein amends claims 1 and 2.

Objection to the Drawings

The Examiner has objected to the drawings under 37 CFR 1.83(a) as they do not show every feature of the invention specified in the claims. Applicant has canceled the features from the claim in order to overcome the present objection.

Rejections under 35 U.S.C. §103(a)

The Examiner has rejected claims 1-4, 6, 7, 21, and 22 under 35 U.S.C. §113(a) as being unpatentable over U.S. Patent No. 2,036,076 to Phillipi ("Phillipi") in view of U.S. Patent 2,637,138 to Doran et al. ("Doran") and U.S. Patent No. 5,318,469 to Unalp et al. ("Unalp").

The Examiner cites Phillipi for teaching "most of the elements in the claimed invention" and confirms that it "fails to teach [the elements of] a plush doll, a hole through an ear and at least one ferrous portion permanently embedded completely inside the interior." *See* Office Action p. 3. Then, the Examiner cites Doran for teaching a doll stage construction wherein the doll is moved by magnet, and cites Unalp for teaching a doll with a hole in its ear. The Examiner concludes by stating that making the toy of Phillipi plush is an obvious modification for "preventing injury to a child." (*Id.*) Applicant respectfully disagrees that each and every element of the present claims are taught by these references, for the following reasons.

Firstly, with respect to the element of at least one ferrous portion permanently embedded completely inside the interior, Phillipi, does not disclose or suggest Applicant's ferrous portion as *explicitly confirmed* by the Examiner, nor does any of the other references cited by the Examiner. Examiner cites no reference, and makes no argument, to support the conclusion that the element of **at least one ferrous portion permanently embedded completely within an interior part of the doll** is obvious. While Doran includes a magnet, the disclosure requires that the magnet be removable from the doll, in direct contrast to the ferrous portion being permanently embedded completely within an interior part of the doll as required by the present claims. *See Doran, col. 3, lines 32-33 & 40-44. (base piece comprising a block of magnetic material is "readily separable from the doll so as to facilitate dressing or undressing of the doll...")* For at least this reason, the present claims are nonobvious over each of the cited references alone and in combination.

Secondly, with respect to the required claim element of a hole **passing completely through** a body part (such as the ear) of the doll for removably receiving an accessory **passing completely through** the hole, Applicant respectfully disagrees that this element is taught by Unalp. In fact, the Examiner cites Unalp for teaching a doll with a hole merely "within" the ear of a doll. *See Office Action p. 3.* In fact, Unalp discloses "an ear 17 having an aperture 18 formed in the earlobe thereof." (See Unalp, col. 3, lines 9-10) Unalp states that the post 32 of an earring is receivable *within* aperture 18. (See Unalp col. 3, lines 16-17.) The aperture serves to hold and retain the earring (itself containing a stamp) in place until its desired for use. *See col. 4, lines 23-24 & col 4, lines 5-7.* (Unalp discloses earring being "supported upon" the ear.) The aperture is not disclosed as passing **completely** through the ear of the doll, nor could it, as the earring must be held and cannot go *completely through* the aperture and *through* the ear as that would surely result in its loss. In order for Unalp to function as disclosed, it cannot have a hole passing completely through the ear of the doll, and

hence teaches away from such a modification. Therefore, while the disclosure in Unalp includes an aperture formed within the ear, it does not disclose, and moreover, teaches away from, the element of a hole **passing completely through** a body part of the doll for removably receiving an accessory **passing completely through** the hole, as required by the present claims. Further, the other cited references, Doran and Phillipi likewise fail to teach or suggest this element. Hence, for at least these reasons, the present claims are nonobvious over each of the cited references alone and in combination.

Finally, the Examiner states making the toy of Phillipi plush is an obvious modification for "preventing injury to a child." (See Office Action p. 3.) Applicant respectfully disagrees as Phillipi discloses its figures, such as a cow, as being made of a material that can be printed or impressed (see Phillipi page 2, col 1 lines 60-62) or imprinted and coated with rust-preventing layer (for play in water) (*id.* at page 2, col. 1, line 73 to col.2 line1). There is no motivation to make such a figure plush as it could not be imprinted or printed upon, nor then coated with a rust-preventing layer for use in water. Hence, Phillipi teaches away from such an inoperative combination.

For at least these reasons, claims 1-4, 6, 7, 21, and 22 are patentable over Phillipi, Doran and Unalp, considered alone and in combination.

For at least these reasons, Phillipi does not teach or suggest claim 8 as amended and any of its dependent claims, claims 9-20 and 23, as well as claims 4 and

The Examiner has rejected Claims 2, 3, 5 and 6 under 35 U.S.C. §103(a) as being unpatentable over Unalp in view of U.S. Patent No. 6,565,407 to Woolington ("Woolington"). Applicant respectfully disagrees for the following reasons.

Specifically, the Examiner cites Unalp for teaching all claim elements except for a plush teddy bear figure. Applicant respectfully disagrees. As previously discussed,

Unalp fails to disclose or suggest at least one accessory removably attached to said doll, wherein said body part removably receives the at least one accessory passing completely through said hole. Woolington, a talking doll, likewise fails to disclose this element. Further, there is no suggestion to combine Unalp with a plush doll of Woolington, that has a mouth moving mechanism disposed internally within the body housing, as is suggested by the Examiner. In fact, there is a teaching away of modifying Unalp to make it plush. The doll in Unalp has a slideable drawer at its feet, a hingable cover at its neck, and a slot in the frontal portion. *See* Unalp Abstract. In constructing these working components which exist *externally* to doll's surface, the doll in Unalp would require construction using a rigid, non-plush material and could not be constructed of, supported or covered by plush and still operate. For at least these reasons alone, the present claims are nonobvious over of Unalp in view of Woolington.

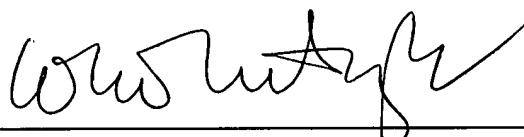
Claims 8-13, 15, 18, 19, 20 and 23 are rejected under 35 U.S.C. §113(a) as being unpatentable over Doran in view of Woolington. The Examiner states that Doran's figures teach most elements of the claimed invention, and confirms that Doran does not teach a plush teddy bear doll. Applicant respectfully disagrees for the following reasons.

As previously discussed, while Doran includes a magnet, the disclosure requires that the magnet be removable from the doll, in direct contrast to the ferrous portion being permanently embedded completely within an interior part of the doll as required by the present claims. *See* Doran, col. 3, lines 32-33 & 40-44. (base piece comprising a block of magnetic material is "readily separable from the doll so as to facilitate dressing or undressing of the doll...") Woolington, cited for its disclosure of a plush doll, cannot remedy this defect in Doran. For at least this reason, the present claims are nonobvious over each of the cited references alone and in combination.

Further, there is no suggestion to modify Doran to make its doll plush as Doran explicitly discloses that the doll be constructed of "a relatively light-weight, durable, plastic material, and the legs of the doll terminate in a pair of similarly formed depending pegs or lugs." *See id.*, col. 3 lines 27-31. If the doll pegs were constructed of plastic, Doran's removable magnetic base piece could not receive the plush (as opposed to plastic) peg member and the doll would be inoperative. *See id.* col. 3, lines 32-33 & 40-44. Hence as the resulting doll would be inoperative, there is in fact a teaching away of combining it with Woolington and modifying Doran's doll such that it is plush. For at least this reason, the present claims are nonobvious over Doran in view of Woolington.

The aforementioned amendments and remarks show claims 1-23 to be patentable over the references cited by the Examiner, and all rejections are respectfully traversed. It is respectfully submitted that all of the claims in the application are in order for allowance, and early notice to that effect is respectfully requested.

Respectfully submitted,



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